

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 4 and 7 have been made dependent on claim 3.

Applicants believe that the above changes answer the Examiner's objection to claims 4-7, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 3 and 7-12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,630,963 to Billmaier in view of U.S. Patent 7,055,168 to Errico et al. The Examiner has further rejected claims 1, 3, 4 and 6-12 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 7,162,728 to Bahn in view of Errico et al. In addition, the Examiner has rejected claims 1, 3-12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,440,351 to Ichino in view of Errico et al. Moreover, the Examiner has rejected claims 4 and 6 under 35 U.S.C. 1039a) as being unpatentable over Billmaier in view of Errico et al., and further in view of Bahn. Furthermore, the Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Billmaier in view of Errico et al., in view of Bahn, and further in view of U.S. Patent Application Publication No. 2004/0068553 to Kotz et al. The Examiner has additionally rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Bahn in view of Errico et al., and further in view of Kotz et al.

The Billmaier patent discloses synchronizing a video program from a television broadcast with a secondary audio program,

in which a user is able to select and listen to a second audio program from a separate source while watching the video portion of a television broadcast.

The Errico et al. patent discloses a method for interpreting and executing user preferences of audiovisual information, in which a system monitors a user's viewing and listening habits, and selects audio, video and/or images to response to the habits.

Claim 1 includes the limitation "identifying means for identifying that historically the user concurrently uses a second content of a second type when using said first content of the first type, said second content being unrelated with the first content". The Examiner has indicated that while Billmaier fails to explicitly teach such a system:

"Errico et al., however, teaches the monitoring and recording of a user's viewing and listening habits, and the rendering of desirable audio, image and/or video information in accordance with said user's historical viewing and listening habits (see col. 4, lines 25-63; see also col. 11, lines 34-45; see also col. 12, lines 25-32; see also disclosure that the management of individual programs and other data includes relationships between any one of the user, the audio, and the images in relation to one or more of a program description scheme and a user description scheme, col. 7, lines 6-9; see also disclosure that appliances that can be personalized may access content from different sources, or access multiple or different types of single media such as video, music, etc., col. 11, line 66 through col. 12, line 3 et seq.).

"It would have been obvious to one of ordinary skill in the art at the time of the invention to provide personalization of a user's multimedia viewing based upon their past recorded behavior, since this would allow a system to render multimedia to a user in a manner consistent with that user's preferences, without

the need for the user to manually customize the rendering each time a user accesses multimedia."

Applicants respectfully submit that the Examiner is mistaken. In particular, while Errico et al. discloses storing the user's viewing and listening habits, this appears to relate only to each particular form of multimedia. There is no disclosure or suggestion with regard to the concurrent use of two different types of content.

With regard to the portion of Errico et al. of col. 7, lines 6-9, Applicants note that this passage may be misleading. The entire paragraph, col. 6, line 66 to col. 7, line 14 states:

"The system description scheme 22 preferably manages the individual programs and other data. The management may include maintaining lists of programs, categories, channels, users, videos, audio, and images. The management may include the capabilities of a device for providing the audio, video, and/or images. Such capabilities may include, for example, screen size, stereo, AC3, DTS, color, black/white, etc. The management may also include relationships between anyone or more of the user, the audio, and the images in relation to one or more of a program description scheme(s) and a user description scheme(s). In a similar manner the management may include relationships between one or more of the program description scheme(s) and user description scheme(s). It is to be understood that in one of the embodiments of the invention merely the system description scheme is included."

While it is not clear what is meant by "The management may also include relationships between anyone or more of the user, the audio, and the images in relation to one or more of a program description scheme(s) and a user description scheme(s)", it surely does not disclose or suggest "identifying means for identifying that historically the user concurrently uses a second content of a

second type when using said first content of the first type, said second content being unrelated with the first content". Applicants submit that this interpretation of Errico et al. is supported in that nowhere in Errico et al. is there any description of the use of a second content of a second type concurrently with the use of a first content of a first type.

Applicants note that the Examiner is using Errico et al. similarly in each of the other rejections. Applicants therefore traverse each and every one of the further rejections in that Errico et al. fails to disclose or suggest "identifying means for identifying that historically the user concurrently uses a second content of a second type when using said first content of the first type, said second content being unrelated with the first content".

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-12, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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